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June 3, 2022

VIA ECF
Hon. Steven Tiscione
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Besedin v. County of Nassau, et al.*
Docket No. 18-CV-0819 (KAM)(ST)
File No. 210099

Your Honor:

I represent the defendants in this action. I write to provide the Court with an update on the status of discovery and request an extension of the June 10, 2022 discovery deadline, on consent of all parties.

Presently, the depositions of Officers Beckwith and Mantovani have been completed. The depositions of plaintiff's wife, Judith Besedin, and plaintiff's son, Robert Besedin, Jr. are scheduled to be completed next week. Plaintiff's counsel has indicated that he intends to serve post deposition discovery demands on the defendants and it is anticipated that defendants will also have post deposition discovery demands.

Mr. Besedin has not yet been deposed. Based on the medical records we have received to date, there are questions about plaintiff's capacity to testify or even maintain this action pursuant to Fed. R. Civ. P. 17(b).

Indeed, as set forth in the November 2, 2021 letter motion made by my former colleague, Mark Radi, plaintiff's counsel previously informed our office that the plaintiff was being evaluated to determine whether he was competent to verify his interrogatory responses and/or testify in this matter. To date, we have not been advised of the results of any such evaluation, nor have we received verified responses from the plaintiff. Under these circumstances, it is imperative that defendants obtain plaintiff's complete treatment records in order to better understand plaintiff's present capacity and his ability to testify in this matter.

SOKOLOFF STERN LLP

Hon. Steven Tiscione
June 3, 2022
Page 2 of 3

Furthermore, plaintiff claims to have sustained neurological deficits and psychological injuries as a result of this alleged incident. The medical records we have received thus far have revealed that plaintiff has an extensive and complicated medical history, which includes significant pre-existing neurological and psychological diagnoses.

Plaintiff has not fully responded to our request to identify and provide HIPAA compliant authorizations for the providers who treated him for the injuries he sustained in the 2003 motor vehicle accident, including a traumatic brain injury and coma; his stroke; or any of his other pre-existing medical conditions. We believe the incompleteness of this response is due to Mr. Besedin's inability to be an accurate medical historian. Through the medical records we have obtained thus far we have identified additional treating providers, not previously disclosed.

We are continuing to identify and obtain the relevant medical records which are vital to the defense of this action. In fact, my office received 1,000 pages of additional treatment records just this morning. If defendants are not able to obtain the relevant treatment records, they will be severely impeded in their ability to conduct expert medical discovery.

Finally, plaintiff has yet to provide the original, unedited video from plaintiff's surveillance system or digital copies of the photographs plaintiff previously exchanged, with meta data intact.

Under the circumstances, the parties respectfully request that the discovery deadline be extended in order to allow the parties to complete the discovery outlined above. Rather than suggesting a new deadline, the parties respectfully propose that a new deadline should be discussed during the conference scheduled for June 10, 2022.

Thank you for your consideration of this matter.

Respectfully submitted,

SOKOLOFF STERN LLP

A handwritten signature in black ink, appearing to read "Kiera J. Meehan". The signature is fluid and cursive, with the first name "Kiera" being more prominent.

KIERA J. MEEHAN

SOKOLOFF STERN LLP

Hon. Steven Tiscione

June 3, 2022

Page 3 of 3

CC:

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